

**Before the
Federal Communications Commission
Washington, DC 20554**

JUN 19 2003

| | | |
|---|---|-------------------------------|
| In the Matter of |) | |
| |) | |
| Request for Review of the Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Federal Way Public Schools |) | File Nos. SLD-344224, 344236, |
| Federal Way, Washington |) | 344279 |
| |) | |
| Federal-State Joint Board on |) | CC Docket No. <u>96-45</u> |
| Universal Service |) | |
| |) | |
| Changes to the Board of Directors of the |) | CC Docket No. 97-21 |
| National Exchange Carrier Association, Inc. |) | |

ORDER

Adopted: June 13, 2003

Released: June 16, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Federal Way Public Schools (Federal Way), Federal Way, Washington, seeks review of decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ At the same time that Federal Way filed its requests with the Commission, it also filed appeals of the same decisions with SLD.² The Commission's rules do not contemplate simultaneous appeals of SLD's decisions to the Administrator and the Commission.³ We therefore dismiss without prejudice Federal Way's Requests for Review to

¹ Letter from Sandy Nelson, Federal Way Public Schools, to Federal Communications Commission, filed May 13, 2003, regarding SLD Application Number 344224; Letter from Sandy Nelson, Federal Way Public Schools, to Federal Communications Commission, filed May 13, 2003, regarding SLD Application Number 344236; Letter from Sandy Nelson, Federal Way Public Schools, to Federal Communications Commission, filed May 13, 2003, regarding SLD Application Number 344279 (Requests for Review). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from Sandy Nelson, Federal Way Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed May 13, 2003, regarding SLD Application Number 344224; Letter from Sandy Nelson, Federal Way Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed May 13, 2003, regarding SLD Application Number 344236; Letter from Sandy Nelson, Federal Way Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed May 13, 2003, regarding SLD Application Number 344279.

³ 47 C.F.R. § 54.720 (when an applicant has an appeal pending with the Administrator, the period to file with the Commission is tolled until the Administrator's review is complete).

the Commission. Once the Administrator has issued its decision, Federal Way may then appeal to the Commission, if it believes such an appeal is warranted at that time.⁴

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Requests for Review filed on May 13, 2003, by Federal Way Public Schools, Federal Way, Washington, ARE DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rules pertaining to Commission review of the Administrator's decisions).